

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA**

**vs.**

**Criminal No. 19-CR-40025-TSH**

**JUNIOR MELENDEZ,  
DEFENDANT**

**MOTION IN LIMINE TO EXCLUDE PRIOR CONVICTIONS**

NOW COMES Defendant and files this motion in limine to exclude any use of defendant's prior criminal record pursuant to Federal Rule of Evidence 609. Mr. Melendez anticipates that the Government will attempt to introduce evidence of his prior convictions under Rule 609, and objects to the admission of these convictions should he choose to testify. Under Rule 609(a)(1), the probative value of admitting this evidence would not outweigh its prejudicial effect.

The probative value of Mr. Melendez 's prior convictions is substantially outweighed by their prejudicial impact<sup>1</sup>.

For the very reason that Mr. Melendez 's convictions lack probity, they would prove to be highly prejudicial. There exists a substantial possibility the

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<sup>1</sup> Unlike Rule 403, which directs a court to admit evidence where its probative value is equal or conceivably less than its prejudicial effect, under Rule 609(a)(1) a court may only admit evidence where the probative value of such evidence is greater than its prejudicial impact.

jury would draw an impermissible inference if allowed to hear evidence concerning these prior convictions.

If the court does permit the government to introduce these convictions, it would be improper for the government to inquire into the specifics of the offense. United States v. Robinson, 8 F.3d 398, 409 (7th Cir. 1993). Instead, the government should be permitted only to make a limited inquiry concerning the date, the nature of the offense and the fact of conviction. Id.; see also United States v. Pandozzi, 878 F.2d 1526 (1st Cir. 1989).

WHEREFORE, the defendant respectfully requests this Court to exclude any references to the defendant's prior criminal record pursuant to Federal Rule of Evidence 609.

Respectfully Submitted,  
Junior Melendez  
By his counsel,

/s/ Joan M. Fund  
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Date: 11/07/21

/s/ Joan M. Fund  
Joan M. Fund, Esq.